

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**MARY PRZYTULA and BRAD BREDE, on
behalf of themselves and all others similarly
situated,**

Plaintiffs,

v.

BED BATH & BEYOND INC.,

Defendant.

No. 17 Civ. 5124

DECLARATION OF GARY COLUZZI

I, GARY COLUZZI, based on my personal knowledge of the facts stated herein, testify
by Declaration as follows:

1. I am over the age of 18 and am otherwise competent to testify to the matters contained in this Declaration, and if so called, would testify to the facts below.
2. All of the statements in this Declaration are true and accurate to the best of my knowledge.
3. The facts set forth in this Declaration are based on my own personal knowledge of the particular stores in which I have worked and of the stores that I oversee in the Southeast Region.
4. I became employed by Bed Bath and Beyond Inc. (“BBB”) in 1997 as a Department Manager in Naples, Florida. I was promoted through the ranks from Department Manager, to Assistant Store Manager (“ASM”), to Store Manager, to District Manager, and then to my current position of Regional Manager. I have been a Regional Manager for over 10 years,

and I am in charge of 69 stores in the Southeast Region—42 stores in Florida, 25 stores in Georgia, 1 store in Alabama, and 1 store in South Carolina. My stores primarily range in volume from low to high volume, with 3 stores being very high volume stores.

5. Typically, a BBB Regional Manager oversees District Managers and Area Managers in the Region. A BBB District Manager has responsibility for a number of stores in a particular geographic area. Reporting to the District Manager are Store Managers, each of whom is responsible for a single store. The Store Managers, in turn, have Assistant Store Managers reporting to them. In the stores in the Southeast Region that I oversee, there are between 1 and 3 ASMs. ASMs supervise Department Supervisors and other hourly associates. Each store typically has anywhere from 0 to 5 Department Supervisors who report to the Assistant Store Managers, with one of my very high volume stores having 10 Department Supervisors. The number of hourly associates also varies greatly from store to store, with the low volume stores in my Region having 20 or fewer associates and the higher volume stores having anywhere from 31 to 85 associates.

6. There are two types of ASMs at BBB: Operations Managers and Merchandise Assistant Managers. All ASMs at BBB in the Southeast Region are classified as exempt employees.

7. Both Operations and Merchandise Assistant Managers are expected to do primarily exempt work. The responsibilities required of an ASM vary as a result of a number of factors.

8. One of the factors that affects ASMs' experience is local management and the District and Store Manager for each store. For example, in the Atlanta, Georgia market, there are 3 different District Managers and each one has different ways of approaching the duties that their

Store Managers and ASMs may be responsible for. One District Manager may feel confident in ASMs performing certain functions, whereas another District Manager may prefer the Store Manager to perform those same functions.

9. Similarly, the personalities and preferences of the Store Managers impact the individual experiences of the ASMs. If the Store Manager to whom an ASM reports is a micromanager, the ASM may have less authority than an ASM who works for a Store Manager that allows more autonomy. For example, some Store Managers prefer to be involved together with the ASMs in hiring decisions, whereas other Store Managers prefer to be less involved and delegate the hiring process to ASMs.

10. The personalities of the Store Managers also affect the amount of discipline performed by an ASM. Some Store Managers maintain higher overall standards in their stores than others and, in turn, expect their ASMs to hold associates to such standards through accountability and discipline.

11. The tenure of the ASMs also plays a role in their day to day responsibilities. For example, longer tenured ASMs who have participated in the interviewing and hiring process and have demonstrated an ability to select strong candidates will be more relied upon and entrusted by the Store Manager to hire associates than a newer ASM who is still learning the process.

12. Similarly, some ASMs are uncomfortable dealing with conflict and, accordingly, do not discipline associates as frequently as other ASMs.

13. During my time at BBB, I have observed many variations in the responsibilities of ASMs depending on the volume of the store in which they work. In a higher volume store, an ASM has more associates working for him or her and, accordingly, more employees to delegate work to. In a low volume store, an ASM is typically more hands on and may, from time to time,

provide coverage on the floor because there are fewer associates to delegate to. ASMs in high volume stores typically conduct more training, discipline, and performance reviews based on the simple fact that they have more employees working for them than an ASM in a low volume store.

14. In my experience, I have also seen ASMs who excel in low volume stores but have performance issues upon transferring as an ASM to high volume stores in light of the different ASM responsibilities in the different volume stores.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of December, 2017.

By: _____

Gary Coluzzi
Regional Manager
Bed Bath and Beyond Inc.